

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

WILLIAM R. NOLAN,

Plaintiff,

-against-

THE CITY OF NEW YORK, and
JOSEPH REZNICK, and
RAYMOND SPINELLA, and
MICHAEL BARRETO, and
ASIF IQBAL, and POLICE DETECTIVE JAMES
BUTLER, and POLICE OFFICER BRYAN
BURGESS, and POLICE OFFICER JOHN DOE,
all in their individual and official capacities, and
JOSE RODRIGUEZ, individually,

Defendants.

Case No.: 19-cv-00187 (RPK) (ST)

**DECLARATION IN SUPPORT
OF PLAINTIFF'S MOTION TO
FIND JOSE RODRIGUEZ IN
CONTEMPT**

I, Andrew C. Weiss, Esq., hereby declare, under penalty of perjury, as follows:

1. I am an associate with Borrelli & Associates, P.L.L.C., counsel for Plaintiff William Nolan in the above-captioned matter. I make and submit this declaration in connection with Plaintiff's order to show to hold non-appearing Defendant Jose Rodriguez in contempt.

2. On May 29, 2024, Plaintiff filed a motion to compel Rodriguez to produce the documents requested in Plaintiff's April 18, 2024 subpoena *decus tecum*. ECF 90.

3. On May 30, 2024, the Court issued an Order granting Plaintiff's motion to compel and directed Rodriguez "to produce all documents in his possession or custody & control in compliance with the subpoena *decus tecum* that was served on Rodriguez on April 18, 2024," warning that his "failure to produce the requested documents by July 1, 2024 may result in a finding of contempt and appropriate sanctions." ECF 91.

4. The Court's May 30, 2024 Order also directed Plaintiff to "serve a copy of this Order on Defendant Rodriguez and file proof of service on ECF," (ECF91), which Plaintiff did on May 31, 2024. *See* ECF 92.

5. Plaintiff brings this application by Order to Show Cause because, as of the date of this filing, Plaintiff has not received any production or other type of substantive response of any sort from Rodriguez.

6. On July 22, 2024, prior to making the instant application, in good faith, Plaintiff's counsel emailed Rodriguez concerning his non-compliance with the Court's order. In response, Rodriguez only made baseless accusations concerning Plaintiff, and did not state any willingness to abide by the Court's order. *See Exhibit A*, July 22, 2024 correspondence.

7. Aside from the relevant history as stated herein, Plaintiff has made no prior application for the relief requested in this application.

Dated: Garden City, New York
July 24, 2024

Respectfully submitted,

BORRELLI & ASSOCIATES, P.L.L.C.

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